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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,111	10/03/2003	Puneet Sharma	200309083-1	2265

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
ZELASKIEWICZ, CHRYSTINA E

ART UNIT	PAPER NUMBER
4143	

NOTIFICATION DATE	DELIVERY MODE
02/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

	Application No.	Applicant(s)
	10/679,111	SHARMA ET AL.
Office Action Summary	Examiner	Art Unit	
	CHRYSTINA ZELASKIEWICZ	4143	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 February 2004</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This action is in reply to the application filed on 3 October 2003.

2.   Claims 1-36 are currently pending and have been examined.

Drawings

3.   The drawings were received on 25 February 2004. These drawings are not acceptable.

4.   The drawings are objected to because of the following informalities:

- Reference number 206 in Figure 2 states "Directory Service," but the specification refers to said number 206 as "Directory Server" on page 6;

- Reference number 620 in Figure 6 states "Process 11100," but the specification refers to said number 620 as "Process 700 is initiated" on page 10;

- Reference number 716 in Figure 7 shows PDA receiving a file, but the specification description of said number 716 refers to "whether the desired file transfer is interrupted" on page 11.

5.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference number(s) not mentioned in the description: reference numbers 300 and 606.

6.   Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

8.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or
        nonobviousness.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art

of record within the body of this action for the convenience of the Applicant. Although the

specified citations are representative of the teachings in the art and are applied to the specific

limitations within the individual claim, other passages and figures may apply. Applicant, in

preparing the response, should consider fully the entire reference as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the prior art or

disclosed by the Examiner.

9.   Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fransdonk (US

2003/0167392 A1) in view of Yager et al. (US 5,983,236).

Claims 1, 10, 19, 28

Fransdonk, as shown, discloses the following limitation:

- *upon completing the transfer of the video component, receiving a command from the device
  to transfer an audio component of the file* (see at least paragraph 0055: a **request** for content
  (audio component) from a content destination 22 is re-routed to content distributor).

Fransdonk does not disclose the following limitations, but Yager, as shown, does:

- *transferring a video component of the file to a device* (see at least column 1, lines 20-27: Synchronized combinations of audio, **video**, still images, and text are generically referred to as video clips. Through digitization, the electromagnetic signals which are used to represent each of these video clip components may be reduced to binary data files. These files may be stored in combination as video clip data files and may be **transferred to** and displayed by display units (device) which are capable of processing the video clip data);

- *retrieving the audio component of the file from a storage* (see at least column 2, lines 18-28: a **file server** having the capacity to **store** large amounts of binary data holds groups of binary data representing the combined component signals of individual video clips (audio component). A data transfer system links (retrieves the audio component) the file server to a remote digital computer system. The data transfer system… is capable of transmitting and receiving an audio-band signal which is representative of binary data); *and*

- *transferring the audio component* (see at least column 1, lines 20-27: Synchronized combinations of **audio**, video, still images, and text are generically referred to as video clips. Through digitization, the electromagnetic signals which are used to represent each of these video clip components may be reduced to binary data files. These files may be stored in combination as video clip data files and may be **transferred to** and displayed by display units which are capable of processing the video clip data).

It would have been obvious to one skilled in the art at the time of the invention to combine the method and system to secure content for distribution via a network of Fransdonk with the method and system for providing a multimedia presentation of Yager. Fransdonk teaches receiving a command from a device to transfer an audio component of a file. Fransdonk does not explicitly show transferring a video component of a file, retrieving an audio component of said file, or transferring said audio component. However, Yager teaches transferring a video component of a file, retrieving an audio component of said file, and transferring said audio component. Therefore, it would have been obvious to combine Fransdonk with Yager because 1) Internet congestion,

due to millions of users streaming audio and video, makes delivering high quality media a challenge (see Fransdonk paragraph 0013); and 2) a client may encounter several network problems when trying to download information such as reduced bandwidth during peak hours (causes increased transfer times) or delayed transfer times (network overloaded with requests) (see Toga 5,987,504 column 1, lines 46-62). Transferring the video and audio components of a file separately helps to reduce Internet congestion, while maintaining high quality media, and to avoid increased or delayed transfer times.

Claims 2, 11, 20, 29

Fransdonk, in view of Yager, discloses all the limitations of claims 1, 10, 19, 28 as shown above. Furthermore, Fransdonk, as shown, discloses the following limitation:

- *receiving a payment for the audio component* (see at least paragraph 0059: If a content destination is authorized and/or **payment is cleared** (received), requested content (audio component) may be personally re-encrypted and delivered to the content destination).

Claims 3, 12, 21, 30

Fransdonk, in view of Yager, discloses all the limitations of claims 2, 11, 20, 29 as shown above. Furthermore, Fransdonk, as shown, discloses the following limitation:

- *the audio component is encrypted with a key, K, and further comprising transferring the key, K, upon receiving the payment* (see at least paragraphs 0056, 0059: At the content provider, clear content (audio component) is **encrypted** utilizing a symmetric product **key**... The conditional access agent personalizes and manages **key delivery to a content destination**... If a content destination is authorized and/or **payment is cleared**, requested content may be personally re-encrypted and delivered (transferred) to the content destination).

Claims 4, 13, 22, 31

Fransdonk, in view of Yager, discloses all the limitations of claims 1, 10, 19, 28 as shown above. Furthermore, Fransdonk, as shown, discloses the following limitation:

- *the audio component is encrypted with a key, K, and further comprising transferring the key, K* (see at least paragraphs 0056, 0059: At the content provider, clear content (audio component) is **encrypted** utilizing a symmetric product **key**... The conditional access agent personalizes and manages **key delivery to a content destination**).

Claims 5, 14, 23, 32

Fransdonk, in view of Yager, discloses all the limitations of claims 1, 10, 19, 28 as shown above. Furthermore, Yager, as shown, discloses the following limitation:

- *merging the audio and video components* (see at least column 1, lines 20-25: Synchronized combinations of **audio**, **video**, still images, and text are generically referred to as video clips. Through digitization, the electromagnetic signals which are used to represent **each of these video clip components** may be reduced to binary data files. These files **may be stored in combination** (merged) as video clip data files).

It would have been obvious to one skilled in the art at the time of the invention to combine the method and system to secure content for distribution via a network of Fransdonk with the method and system for providing a multimedia presentation of Yager. Fransdonk teaches receiving a command from a device to transfer an audio component of a file. Fransdonk does not explicitly show merging the audio and video components of a file. However, Yager teaches merging the audio and video components. Therefore, it would have been obvious to combine Fransdonk with Yager because 1) Internet congestion, due to millions of users streaming audio and video, makes delivering high quality media a challenge (see Fransdonk paragraph 0013); and 2) a client may encounter several network problems when trying to download information such as reduced bandwidth during peak hours (causes increased transfer times) or delayed transfer times (network overloaded with requests) (see Toga 5,987,504 column 1, lines 46-62). Transferring the video and audio components of a file separately helps to reduce Internet congestion, while maintaining high quality media, and to avoid increased or delayed transfer times. Subsequently, merging the video and audio components of said file allows the user to enjoy the complete file.

Claims 6, 15, 24, 33

Fransdonk, in view of Yager, discloses all the limitations of claims 1, 10, 19, 28 as shown above.

Furthermore, Fransdonk, as shown, discloses the following limitation:

- *the video component is encrypted with a first key, K1, and the audio component is encrypted with a second key, K2, and further comprising transferring the first and second keys, K1 and K2* (see at least paragraphs 0254, 0258: FIG. 9 is a flow chart illustrating a method 300, according to an exemplary embodiment of the present invention, of **encrypting content** (video and audio) utilizing a **random, time-varying sequence of session keys** (K1 for video and K2 for audio)... At block 208, the content provider **distributes** (transfers) the encrypted sequence of **session keys**).

Claims 7, 16, 25, 34

Fransdonk, in view of Yager, discloses all the limitations of claims 6, 15, 24, 33 as shown above.

Furthermore, Fransdonk, as shown, discloses the following limitation:

- *the first and second keys, K1 and K2, are the same* (see at least paragraph 0056: At the content provider, clear content (video and audio components) is **encrypted** utilizing a symmetric product **key** (K1 = K2)).

Claims 8, 17, 26, 35

Fransdonk, in view of Yager, discloses all the limitations of claims 6, 15, 24, 33 as shown above.

Furthermore, Fransdonk, as shown, discloses the following limitation:

- *the video and audio components are decrypted with the first and second keys, K1 and K2, respectively* (see at least paragraph 0278: At block 254, the conditional access client 48 then **decrypts the encrypted content** (video and audio components) utilizing the decrypted **session keys** (K1 and K2)).

Claims 9, 18, 27, 36

Fransdonk, in view of Yager, discloses all the limitations of claims 6, 15, 24, 33 as shown above.

Furthermore, Fransdonk, as shown, discloses the following limitation:

- *the first and second keys, K1 and K2, are transferred upon completion of a payment* (see at least paragraph 0059: The conditional access agent personalizes and manages **key delivery** (K1 and K2) **to a content destination**… If a content destination is authorized and/or **payment is cleared**, requested content may be personally re-encrypted and delivered (transferred) to the content destination).

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Chrystina Zelaskiewicz** whose telephone number is **571.270.3940**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A. Reagan** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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/Chrystina Zelaskiewicz/Examiner, Art Unit 4143
February 8, 2008
/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143